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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,882	03/27/2001	Harry A. Reimer	S01.010	2429

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EXAMINER

MARKS, CHRISTINA M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 08/29/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,882

Applicant(s)

REIMER, HARRY A.

Examiner

C. Marks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The objection to the specification for the typographical error has been withdrawn due to the amendment filed 24 June 2003.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-12, 19-22 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tetris Attack.

Regarding claims 1, 19 and 24, Tetris Attack discloses a method for facilitating game play wherein a game board is displayed to a player that has a plurality of game icons (Tetris Attack, How to Play from tetrisattack.net). The player can make a series of game moves (Tetris Attack, How to Play from tetrisattack.net). The player can input moves (Tetris Attack, How to Play from tetrisattack.net) and if at least three icons are lined up in the predetermined manner the game will remove at least one game icon from the game board (Tetris Attack, How to Play from tetrisattack.net). The game board can be reconfigured according to a plurality of reconfiguration game rules (Tetris Attack, How to Play from tetrisattack.net) wherein the pieces will rise from the bottom as well as fall from the top. The reconfiguration that is to occur in the game is not indicated to the player during the at least a portion of the game as the player does not initially see on the gaming screen that the blocks will fall or know the predetermined time in which they will rise. Regarding claim 19, the method of Tetris Attack is for the Super NES therefore when incorporated in the game system; it would have a processor as well as a storage device for

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storing the operation for execution. Regarding claim 22, it would be obvious to one of ordinary skill in the art that to properly execute the method on the Super NES as disclosed, it would need to be stored on a medium that embodied the instructions for the game.

Regarding claim 2, Tetris Attack indicates to the player the reconfiguration rule to be applied during a predetermined number of subsequent moves in that once play begins they will know that the blocks will fall until a predetermined time when the second reconfiguration rule will be applied and the blocks will then rise.

Regarding claim 3, these reconfiguration rules comprise the directions in which the icons will move (either falling or rising).

Regarding claim 4, each of the game icons are associated with icon types and the removal is based upon the icon type (Tetris Attack, How to Play from tetrisattack.net).

Regarding claim 5, the play input comprises the selection of at least one game icon and after an operation, removing neighboring icons based on associated icon types (Tetris Attack, How to Play from tetrisattack.net).

Regarding claim 6, a score is associated with the game (Tetris Attack Manual). It would be obvious to the game and one of ordinary skill in the art that the score would be based on the number of neighboring icons removed, as it would be known that removing a greater number would require more skill and thus would be awarded more points.

Regarding claim 7, the system determines which reconfiguration rule is applied to reconfigure the game board (Tetris Attack, How to Play from tetrisattack.net).

Regarding claim 8, this reconfiguration is determined by retrieving pre-stored indication of the rules (i.e. if the blocks are falling or if an indicator is set to indicate the blocks should rise).

Regarding claim 9, the reconfiguration rule is associated with the particular game, but can also be associated with a plurality of players as it is also disclosed that a third reconfiguration rule can be applied among a plurality of players wherein blocks may be dumped from the top of the screen.

Regarding claims 10 and 11, the method is disclosed for home play; however, it is notoriously well known in the art that games can be embodied in an arcade format wherein players could be charged money in exchange for game play and the implementation of Tetris Attack into this format would be obvious to one of ordinary skill in the art as well as using any of the well known payment methods to accomplish this incorporation.

Regarding claim 12, Tetris Attack discloses a series of moves is used in determining a game result (Tetris Attack, How to Play from tetrisattack.net and Tetris Attack Manual).

Regarding claim 20, when the implementation of the method occurs on a game system, the rules defining play, including the game database as well as rules associated with the rules of reconfiguration are inherently stored with the program controlling the game on the storage medium.

Regarding claim 21, the game system in the Super NES system is adapted to include a communication device coupled to the processor, such as a remote player device in the form of an input device, in order for the game to be properly executed and to receive the needed input from the player.

Regarding claim 25, the reconfiguration rules include dictating the reconfiguration direction.

Regarding claim 26, the game display comprises text information, image information, audio information, landscape information as well as other graphic and textual information (Tetris Attack, How to Play from tetrisattack.net and Tetris Attack Manual).

Regarding claim 27, Tetris Attack is a game of skill as well as a puzzle game (Tetris Attack, How to Play from tetrisattack.net and Tetris Attack Manual).

Claims 13-15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tetris Attack in view of Uproar.

What Tetris Attack discloses, teaches and/or suggests has been discussed above and is incorporated herein.

Tetris Attack is a game of skill and discloses awarding the player points based upon their performance. As discussed above, it is notoriously well known in the art that any game can be embodied in an arcade format wherein players could be charged money in exchange for game play and the implementation of Tetris Attack into this format would be obvious to one of ordinary skill in the art. Further, in application of Tetris Attack to the arcade format, it is also notoriously well known that arcades often award players prizes in the alternate currency form of free games if their performance in the game results in attaining a certain threshold.

Further, Uproar.com discloses a gaming system wherein a plurality of games of skill that were popular as other forms are hosted in an online environment. Uproar allows players to set up accounts and receive points (alternate currency) for their performance (Uproar WebPage).

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Uproar also discloses that cash prizes are available (Uproar Handout). It would have been obvious to one of ordinary skill in the art to incorporate prizes into the disclosure of Tetris Attack in both the forms as disclosed above. By incorporating this methodology into the game of Tetris Attack wherein points or free games would be awarded, players would be more likely to continue to play the game, thus generating a revenue for the host (in the form of monetary or advertisement). Therefore, one of ordinary skill in the art would be motivated to incorporate prizes into the game disclosure of Tetris Attack in order to provide a more rewarding experience for the player.

Claims 16-18 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tetris Attack in view of msn games (Web Archive: MSN Games, 2000).

What Tetris Attack discloses, teaches, and/or suggests has been discussed above and is incorporated herein.

Tetris Attack discloses the use of a home game console to implement the gaming method. Tetris Attack does not disclose that the game is embodied on a game server.

msn games discloses a website wherein the games are hosted remotely from the player and the player can access the games from a remote location in order to operate them. The network of msn includes receiving the player input from a remote device via a communications network wherein the player device is a personal computer or other device able to access the site and the communications network comprises the Internet or other networks that allow the device to access the site.

It would have been obvious to one of ordinary skill in the art to incorporate the method of Tetris Attack into a game that is available on a website as disclosed by msn games. It is known to one of ordinary skill in the art that any game methodology can be programmed in a manner to distribute it over a communications medium. One of ordinary skill in the art would be motivated to make this incorporation to Tetris Attack in order to more widely allow the game to be distributed, while at the same time allowing the player to be able to compete against the scores of others; therefore, increasing the user access to the game, as well as creating a greater enjoyment among users as they will be able to see how they stack up against others.

Regarding claim 28, when a player device has performed an action requiring a reconfiguration rule, Tetris Attack receives an indication from the game controller of a first rule to be applied during the game without receiving an indication of the second game rule to be applied. Indication of the second rule is received only upon the criteria being met for the second rule to be applied (Tetris Attack, How to Play from tetrisattack.net and Tetris Attack Manual). When the player performs the game tasks or upon exposure to the game, the first game rule to be applied is displayed in its application. As disclosed above, Tetris Attack does not explicitly disclose that the game controller is remote; however, it is notoriously well known in the art and shown by msn games that such puzzle games can be hosted remotely and accessed by a player. Therefore, if desired, one of ordinary skill in the art would readily understand that a remote controller could be in charge of the controls as disclosed for the game.

Regarding claim 29, the game receives input from the player at a player input and arranges the game board to be reconfigured based on the first rule wherein the game board has a plurality of icons that may be removed.

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Response to Arguments

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kirby's Star Stacker: Different configuration rules are applicable based on the type of blocks that are activated when the player inputs their selection. If a bomb is part of the selection, a different reconfiguration rule will be applied, than if just a normal star is selected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on (703)-308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.

cmm

cmm

August 25, 2003

TJ Walberg

Teresa Walberg
Supervisory Patent Examiner
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